

# Notice of Allowability

Application No.

09/882,298

Examiner

Patricia Hightower

Applicant(s)

NIJENHUIS ET AL.

Art Unit

1711

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the rce and IDS filed November 06, 2003.
2. ☒ The allowed claim(s) is/are 1,3-19 and 23-30.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

Patricia H. Hightower  
Primary Examiner  
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**Reasons For Allowance**

The following is an examiner's statement of reasons for allowance:

In view of the applicants' filing an RCE and the consideration of the information disclosure statement; the instantly claimed intrinsically gel-free randomly branched polyamide comprising at least units derived from;

1. AB monomers, which monomers have both a carboxylic group (A) and an at least one compound I, being a carboxylic acid (Av) or an amine (Bw) , amine group (B),
2. said at least one compound having a functionality w or v is 2 or 3, at least one compound 11, being a carboxylic acid (Av) or an amine (Bw) having a functionality w or v equal to 3, compound 11 being a carboxylic acid if compound I is an amine or compound II being an amine if compound I is a carboxylic acid; wherein
  - a) the molar ratio of compound II to compound I is less than 1 where compound I is bifunctional;
  - b) the molar ratio of compound II to compound I is less than 2 when compound I is trifunctional; -
  - c) the amounts of units derived all carboxylic acids and amines in the polyamide satisfy formula

$$P < 1 / [(F_A - 1) (F_B - 1)] \quad (1)$$

where

$$P = [\sum (n_i f_i)]_x / (\sum (n_i f_i))_y \quad (2)$$

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where  $P \leq 1$  and either  $X = A$  and  $Y = B$ , or  $X = B$  and  $Y = A$ , and

$$F_x = \sum (n_i f_i^2) / [\sum (n_i f_i)] \quad (3)$$

for, respectively, all carboxylic acids ( $X = A$ ) and all amines ( $X = B$ ), where  $f_i$  is the functionality of either the carboxylic acid ( $f_i = v_i$ ) or amine ( $f_i = w_i$ ),  $n_i$  being the number of moles of the carboxylic acid or amine and the summation involving all units derived from carboxylic acids and amines in the polyamide; and the process of preparing the intrinsically gel-free polyamide involving selecting the instantly claimed AB monomers and compounds I and II; the claims are allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia Hightower whose telephone number is (571) 272-1073. The examiner can normally be reached on M-F from 9:30 A.M. - 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patricia H. Hightower  
Primary Examiner  
Art Unit 1711

P. Hightower:ph  
June 01, 2004